

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROOSEVELT WILLIAMS,

Plaintiff,

Civil Action No.
11-CV-15585

vs.

HON. MARK A. GOLDSMITH

DENNIS M. WILEY, et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is presently before the Court on the Report and Recommendation (R&R) of Magistrate Judge Laurie J. Michelson, entered on March 19, 2012. Dkt. 6. The R&R recommends that Plaintiff's complaint be dismissed for violation of the "three strikes" provision of 28 U.S.C. § 1915(g).

Plaintiff's objections (Dkt. 8), signed on April 5, 2012, appear to be untimely. Even if the Court were to consider the objections, however, it would reject them. As the R&R explains, in at least three prior cases, judges of this Court concluded that Plaintiff had already had three strikes. Accordingly, there is no question concerning Plaintiff's three-strike status. Plaintiff's objections do nothing to undermine this conclusion. Plaintiff argues that the three-strike rule is unconstitutional, an argument that has been rejected on numerous occasions. See, e.g., Williams v. Hotchkiss, No. 08-13959 (E.D. Mich.), Opinion of 10/22/08 at 2 (Dkt. 5) (listing the numerous courts of appeals upholding the rule's constitutionality). Plaintiff also appears to argue that there is a distinction between "natural person" "Roosevelt-Lashawn Williams" and "prisoner" "Roosevelt L. Williams." Dkt. 8 at 2. However, the multiple previous cases confirming that Plaintiff has been the plaintiff in three matters qualifying as strikes leave no question as to Plaintiff's identity for purposes of 28 U.S.C. § 1915(g).

Accordingly, the Magistrate Judge's R&R (Dkt. 6) is accepted and adopted as the findings and conclusions of the Court.

SO ORDERED.

Dated: May 17, 2012
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 17, 2012.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager